

REMARKS

The Official Action rejected claims 1-3, 7-17, 19, 21 and 22 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US 2003/0143954 to Richard Dettinger, et al. (hereinafter “Dettinger”). In addition, the Official Action rejects claims 4-6 under 35 U.S.C. §103(b) as being unpatentable over Dettinger in view of U.S. Patent Application Publication No. US 2002/0154607 to Antti Forstadius, et al. (hereinafter “Forstadius”). As described below, independent claims 1, 11, 12 and 19 have been amended so as to be further patentably distinct from the cited references, taken either individually or in combination. Based upon the amendments to independent claim 1, dependent claims 2-10 have been amended for purposes of consistency. Based on the foregoing amendments and the following remarks, reconsideration of the present application and allowance of the amended sets of claims are respectfully requested.

As now amended, independent claim 1 is directed to an apparatus having at least one wireless communication interface and wireless identification means that are distinct from the wireless communication interface. The wireless communication interface is configured to provide wireless communications with a mobile device. The wireless identification means is configured to obtain configuration information wirelessly from the mobile device. The configuration information is, in turn, configured to provide a communication connection with the mobile device via the wireless communication interface handing over of at least partial control of the apparatus to the mobile device, or vice versa, based on the configuration information. As now set forth by amended independent claim 1, the communication connection via the wireless communication interface is separate from the information exchange between the apparatus and the mobile device via the wireless identification means. Independent claim 11 is directed to a system that includes the mobile devices described in a comparable manner to that set forth above in conjunction with amended independent claim 1.

Further, independent claim 12 describes a method for providing for interoperability of a mobile device with another mobile device in which configuration information is obtained wirelessly from the other mobile device by wireless identification means of the mobile device.

The method also processes the configuration information and then causes a communication connection to be established with the other mobile device via the wireless communication interface of the mobile device, that is defined to be distinct from the wireless identification means. The method also hands over at least partial control over the mobile device to the other mobile device, or vice versa, based upon the configuration information. As now set forth by amended independent claim 12, the communication connection via the wireless communication interface is separate from the information exchange between the mobile devices via the wireless identification means. Independent claim 19 is directed to a computer program product including program codes sections for performing the functions described above in conjunction with amended independent claim 12.

Turning now to the rejections, the Official Action still considers the processor 30 of Dettinger to be an “identification means distinct from the wireless communication interface”. The independent claims have thus been amended to clarify that the identification means is not only an entity distinct from the wireless communication interface, but is also wireless. Support for this amendment is provided, for example, by page 3, lines 25-27 and page 5, lines 34-35 of WO 2005/057969. In other words, the amended independent claims now clarify that the communication interface as well as identification means are both wireless, but at the same time distinct entities.

To further clarify this distinction, independent claims 11, 12 and 19 have also been amended to recite that “said communication connection via said wireless communication interface is separate from the information exchange between the mobile device and said another mobile device via said wireless identification means”. Independent claim 1 has been amended in a comparable manner, albeit with slightly different language. Support for this amendment is provided, for example, by page 3, lines 25-27, page 5, lines 34-35 and page 9, line 33 to page 10, line 21 of WO 2005/057969. For example the wireless communication interface can be a cellular telephone interface, while the wireless identification means can be an RFID means.

The processor 30 of Dettinger is not a wireless identification means as now set forth by the amended independent claims, at least because it does not have any wireless communication capability by itself. If the processor 30 and wireless interface 36 of Dettinger in combination

were considered to be a wireless identification means, then this combination would not be distinct from the wireless communication interface 36 as required by the independent claims as it would have the wireless interface 36 in common. Dettinger does not disclose devices having more than one wireless communication interface 36. Thus, the amended independent claims are clearly not taught or suggested by Dettinger, at least because Dettinger does not teach or suggest a wireless identification means distinct from a wireless communication interface, as now set forth by the amended independent claims.

For each of the reasons described above, the independent claims, as amended, as well as the claims which depend therefrom, are not taught or suggested by Dettinger. As such, the rejections of claims 1-3, 7-17, 19, 21 and 22 as being anticipated by Dettinger are overcome.

As to the rejection of claims 4-6 under 35 U.S.C. §103(a), each of these claims is dependent upon amended independent claim 1 and, as a result, are patentably distinct from Dettinger for at least the reasons described above. The secondary reference, that is, Forstadius, is cited for its disclosure of radio frequency identification means and is not cited for its disclosure of those recitations described above to be lacking in Dettinger. Thus, even if Forstadius were to be combined with Dettinger, it is submitted that Forstadius does not teach or suggest those recitations that were identified above to be lacking in Dettinger such that the rejection of claims 4-6 is overcome.

Considering the rejection of claims 4-6 under 35 U.S.C. §103(a) in more detail, however, it is initially submitted that Dettinger and Forstadius cannot properly be combined. In this regard, Forstadius is not concerned with communication connections between mobile devices without interconnected network elements. Embodiments of the claimed invention, instead, relate to direct connections between mobile devices such as a mobile core device and peripheral devices like a wireless headset, in order to provide for device interoperability. Instead, Forstadius relates to “a short range RF network having routing capabilities for communicating data between one or more terminal devices” (see paragraph [0008] of Forstadius), that is, to a backbone network for extending the range of mobile devices not able to connect directly.

Forstadius discloses the use of RFID tags and an associated reader to communicate ID numbers and passwords of network nodes for a Bluetooth communication. However, the

embodiment using this communication is related to fixed backbone nodes as described in paragraph [0025] of Forstadius as follows: “RFID tag reader 212 is used to read information which will be used to identify the backbone communication chips 102, 104 in nodes 100 ...” and in paragraph [0027] of Forstadius as follows: “after physically mounting the nodes 100 in their intended positions”. According to paragraph [0023] of Forstadius, these nodes are used to provide overlapping coverage areas for terminal devices.

Thus, Forstadius does not disclose a wireless communication of an apparatus or a mobile device with another mobile device, as set forth by the amended independent claims. Therefore, not only is a combination of Dettinger with Forstadius improper as described above, but even if Dettinger and Forstadius were combined, the resulting combination would not teach or suggest the amended independent claims. In this regard, a combination of Dettinger with Forstadius would only result in the addition of a backbone network according to Forstadius to be used with mobile devices according to Dettinger, wherein the backbone network comprises nodes with RFID tags and associated RFID tag reader. Forstadius does not disclose that the RFID interface can be used in the mobile devices, and there appears to be no sensible reason to modify Forstadius in this manner once the entirety of the disclosure provided by Forstadius is considered.

Thus, even if Dettinger and Forstadius were combined, the resulting combination would not teach or suggest mobile devices having “a wireless communication interface” and at the same time “a wireless identification means distinct from the wireless communication interface”, wherein “said communication connection via said wireless communication interface is separate from the information exchange between the mobile device and said another mobile device via said wireless identification means”, as recited by amended independent claims 11, 12 and 19 and as generally set forth in somewhat different language by amended independent claim 1. Therefore, even if the cited references were to be combined, dependent claims 4-6 are patentably distinct from Dettinger in combination with Forstadius for at least each of the reasons described above. Thus, the rejection of dependent claims 4-6 is overcome.

Appl. No.: 10/582,208
Filed: August 13, 2007
Amdt. dated October 21, 2010

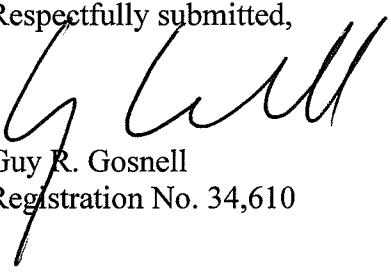
CONCLUSION

In view of the amendments to the claims and the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is respectfully requested. In order to expedite examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

The patentability of the independent claims has been argued as set forth above and thus Applicant will not take this opportunity to argue the merits of the rejection with regard to the dependent claims. However, Applicant does not concede that the dependent claims are not independently patentable and reserves the right to argue the patentability of the dependent claims at a later date if necessary.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that were paid in conjunction with the filing of the Amendment dated May 6, 2010. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


Guy R. Gosnell
Registration No. 34,610

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON OCTOBER 21, 2010